

26. Issue – Does Part 2 of the Local Plan set out an effective framework for the delivery of allocations and the protection of designation sites, which is robust and in line with national policy?

26a) Does the inclusion of site allocation wording in text boxes, rather than policies, have implications for the effectiveness and deliverability of Part 2 of the Local Plan?

i. We believe that a policy framework should deliver clarity, transparency and consistency in decision making, which would help to ensure that the Local Plan is objective and reflects the views of all stakeholders.

ii. This should also help to ensure that developments are monitored on a timely basis and appropriate action taken to ensure compliance with agreed plans.

26b) Are the infrastructure and open space requirements of each site clearly set out in Part 2 of the Plan? Is it clear what developers are expected to provide and when?

i. Whilst the Part 2 Housing Allocations point to individual site constraints and the reports required from developers, a review of the cumulative impact of sites on infrastructure is not mentioned.

ii. Additionally, the Council's Technical Paper: Infrastructure (BP11) refers to the National Planning Practice Guidance (NPPG) and the requirement for details as to who would fund and provide new infrastructure, and how it relates to the anticipated rate and phasing of developments.

iii. Due to a lack of information currently provided by the Council, we are concerned about deliverability of new infrastructure and the Council's failure to address the need for possible contingency arrangements and alternative strategies.

iv. It is not clear what developers are expected to fund/provide or to what timescale.

26c) Are other site constraints and related mitigation measures clearly defined in Part 2 of the Plan? Is there sufficient detail to effectively guide development and make it clear what will be permitted?

In relation to this:

ci). Should further information be provided on access points and local highway improvements?

i. The potential cumulative effect on the local road network of multiple developments in an area and, in particular, developments in close proximity to each other, need to be identified and clarification on what highway improvements would be needed, the potential cost, the availability and who would have responsibility for funding, the phasing of improvements and the penalties for non-compliance.

ciii) Where sewers or power lines cross a site, should potential mitigation be specified?

i. Yes. This is particularly relevant where Green Belt sites are being considered for development and where there are no existing utilities in place for the disposal of grey water, sewage or surface water.

civ) Should Part 2 of the Plan specify the protection and enhancement of Public Rights of

Way (PROWs) on allocation sites, and the provision of links to adjoining PROWs and the Core Walking, Cycling and Riding Network where appropriate?

- i. Yes. The Councils initiative to develop PROWs and the Core Network should be supported as such measures can improve health and well-being.
- ii. We also believe that the Council should require developers of sites which include PROWs and/or parts of the Core Network to enter into maintenance agreements with developers to take responsibility for the maintenance of the PROWs and those parts of the Core Network which form part of the sites.

cv) Should Part 2 of the Plan specify mitigation measures relating to the historic environment, where relevant?

- i. Yes.
- ii. In Policy PLP 35, the Council has detailed how it would address the protection of both designated and non-designated heritage assets.
- iii. We support GAIL in that we also believe it would be useful for the Council to provide clarity and objective guidance in defining as to how ‘the public benefits of (a) proposal’, ‘permitted only in exceptional circumstances’ and ‘permitted only where the public benefits of (a) development outweigh their harm’ are defined.
- iv. The inclusion of such guidelines, the involvement of Historic England and/or other relevant bodies together with site specific mitigation measures would provide for consistency in decision making and a means of monitoring the actions of developers.
- v. Additionally, we believe it is important to support the Council in its comment that ‘Kirklees has a rich and diverse historic environment that, together with the character of the landscape, creates its local distinctiveness’ (clause 14.3, Part 1 of the Local Plan).

cv) Should Part 2 of the Plan specify the protection of key habitats/mature trees/hedgerows/boundary walls/other landscape features which are notable on a particular site?

- i. Yes. We believe it essential that the Council is as specific as possible in identifying areas which need protection. This is particularly relevant not just for Green Belt sites but also where sites are noted for their contribution to the landscape and the well-being of the local community.
- ii. Without the Council's input, a developer may take steps resulting in irreversible consequences for example where building activity is carried out without consideration for the natural environment.

cvii) Should constraints on/near allocations, including heritage assets, environmental designations, noise sources and hazardous installations, be specifically named?

- i. Yes. As per the previous question, the Council must take responsibility for highlighting such constraints and not leave it to the developers.
- ii. Additionally, we concur with GAIL in that any penalties which the Council develops in respect of the areas covered in question c) should include the power to halt developments if there is a clear breach of conditions by a developer.

26d) Should Part 2 of the Plan specify when Masterplans are required in association with an allocation site? Which sites would this apply to?

i. We support GAIL's view that it may be appropriate to develop Masterplans for sites which are adjacent to each other (such as H2730a and H2684a, see Matter 30) and/or are in close proximity to each other (such as the other proposed Sites for Lepton/Fenay Bridge i.e. H31, H616, H684 and H638) plus H1679, given the potential cumulative impact of the developments on local infrastructure.

26e) Should the Plan specify where planning permission has already been granted, for reasons of effectiveness?

i. Yes, for completeness and to ensure that the full implications of proposed developments are considered.

26f) What are the implications of a site being located within a High Risk Coal Referral Area?

i. We support the statement by GAIL, where they state “The Coal Authority has confirmed that Lepton and Fenay Bridge lie within a Development High Risk Area given the extent of former mine entries, the probable shallow mine workings (ie. where the depth of the workings is less than 30 metres from the surface) and coal outcrops”.

26i) Where proposals state that a site ‘would benefit from a drainage masterplan’, is this a requirement or an option?

i. We support the statement by GAIL in that a drainage masterplan should be a requirement and should be mandatory where adjacent sites (for example, H2730a and H2684a) are of a size where the cumulative impact of the number of proposed dwellings (i.e. c. 600) may well place pressure on drainage systems.

26q) Are there any implications for the site selection process, arising from the Council’s re-assessment of RAG Green Belt edge ratings relating to Test 2d, as set out in Examination Document ID17?

i. We believe the Council have disregarded the green belt edge in terms of “urban sprawl”

26r) Are the environmental and historic designations listed in Chapters 8 and 9 of Part 2 of the Plan up to date and accurate? Are any modifications necessary?

i. Clarity is required as to the reference detail of Chapter 9 to archaeological sites in the Almondbury Ward. West Yorkshire Archaeology Advisory Service’s Primary Record Numbers highlight 4266, 10690 and 14864, relating to sites which may be adversely affected by the development of H2684a and/or H2730a. This is in addition to the Grade II listed building which is the subject of the Heritage Impact Assessment (LE98) on H2730a.

ii. Additionally, the Housing Allocations for H2684a, H2730a and H31 each state ‘Site close to (or contains) area of archaeological interest’: We believe that more specific/detailed information is required here to avoid any doubt as to what needs to be investigated.

iii. Development of the Sites would result in the complete and unrecoverable destruction of the historic environment/setting which would be contrary to the objectives